

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

*Plaintiff,*

vs

Case No. 21-20354  
Magistrate: Anthony P. Patti  
Judge: Paul D. Borman

**D-1: KEVIN FORDHAM,**

*Defendant.*

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**NOTICE OF REQUEST FOR DISCOVERY**  
**AND BRIEF IN SUPPORT**

In compliance with the "Standing Order for Discovery and Inspection" entered in this case, D-1, Kevin Fordham, by counsel, hereby provides the government with the following requests and notices:

1. It is requested that the government provide copies of:
  - A. Any information within the meaning of paragraph 1 (a) of the Standing Order and/or Federal Rule of Criminal Procedure 16 (a) (1), including specifically:
    - I. Any statement of defendant, as required by Rule 16 (a) (1) (A);
    - ii. Defendant's prior criminal record, as required by Rule 16 (a) (1) (B);
    - iii. Any documents and tangible objects material to the preparation of the defense, intended to be used in the government's case-in-chief, or obtained from or which belong to defendant, as required by Rule 16 (a) (1) (c);
    - iv. Any reports of examinations and tests, as required by Rule 16 (a) (1) (D);
- and

v. A written summary of the testimony of any expert witness, as required by Rule 16 (a) (1) (E).

B. Any exculpatory evidence or impeachment evidence within the meaning of Standing Order paragraph 1 (b) and/or *Brady v. Maryland*, 373 U.S. 83 (1963) and *United States v. Agurs*, 247 U.S. 97 (1976).

C. Any document, which will be used to refresh the memory of a witness, within the meaning of Standing Order paragraph 8, and/or Federal Rule of Evidence 612.

D. Any statement by persons who have possible knowledge or information relative to this case, which is not protected from disclosure by 18 USC Section 3500(a).

E. Any statements of witnesses within the meaning of 18 USC Section 35(e). Defendant acknowledges that such statements are purportedly protected by statute from disclosure at this point in the proceedings. Nevertheless, he requests immediate disclosure to protect his constitutional rights, including but not limited to, the right to effective assistance of counsel and effective cross-examination. Failure to do so will, in all likelihood, necessitate delays during trial to prepare for cross-examination.

2. Defendant requests that the prosecution provide an opportunity to review the documents or records relating to the chain of possession of any exhibit, which the prosecution intends to introduce in evidence at trial, as required by paragraph 6 of the Standing Order.

3. Notice is given, pursuant to paragraph 5 (b) of the Standing Order, that the foundation of any and all exhibits may be contested.

4. Notice is given, pursuant to paragraph 6 of the Standing Order, that the chain of possession of any and all exhibits may be contested.

5. Notice is given, pursuant to paragraph 7 of the Standing Order, that any scientific analysis or summary testimony by experts will be contested unless there has been a proper basis for the testimony under Federal Rules of Evidence 702, 703, 705 and 1006.

6. Notice is requested of the nature of any evidence of other crimes, wrongs or acts of defendant that the government will seek to admit pursuant to Federal Rule of Evidence 404 (b).

7. Notice is requested, pursuant to Federal Rule of Criminal Procedure 12 (d) (2), of the government's intent to use in its case-in-chief any evidence which defendant is entitled to discover under Federal Rule of Criminal Procedure 16.

8. All requests for information, materials, or evidence contained herein are continuing, and the prosecution is expected to immediately provide any additional information, materials, or evidence as required by paragraph 3 of the Standing Order and/or Federal Rule of Criminal Procedure 16 (c).

9. Notices contained herein remain in effect until expressly withdrawn.

Respectfully submitted,

/s/Jerome Sabbota  
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P25892

DATED: June 7, 2021

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**BRIEF IN SUPPORT OF REQUESTS AND NOTICES**

Defendant relies on the particular provisions of the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Standing Order for Discovery and Inspection cited in the Requests and Notices, and the discretion of the Court in interpreting and applying the rules and Order.

Respectfully submitted,

/s/Jerome Sabbota  
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DATED: June 7, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2021, I electronically filed the foregoing documents with the Clerk of the Court using the ECF System, which will send notification of such filing to the Assistant United States Attorney.

/s/ Jerome Sabbota

Jerome Sabbota

contact@ribitwersabbota.com